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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Nysen et al.
SERIAL NO.: 10/646,139
FILING DATE: August 20, 2003
TITLE: SURFACE ACOUSTIC WAVE MODULATOR
EXAMINER: Addison, Karen B.
ART UNIT: 2834

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date printed below:

Date: 2-11-05Name: Diane Morse
Diane Morse

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

In a December 17, 2004 Notice of Non-Compliant Amendment, the PTO requested that Claims 48-55 be added to the application record. Claims 48-55 were referred to in the Remarks section of an August 20, 2003 Preliminary Amendment, in which Claims 1-33 were canceled and Claims 34-47 were added. However, reference to Claims 48-55 in the Remarks section of the Preliminary Amendment is a typographical error. Only Claims 34-47 were actually added in the Preliminary Amendment. This was discussed and confirmed in a February 10, 2005 telephone conversation with PTO Legal Instruments Examiner, Ms. Tina Bell. Applicant requests, therefore, that the Notice of Non-Compliant Amendment now be withdrawn.



Dated: February 10, 2005

Respectfully submitted,
THELEN REID & PRIEST LLP

A handwritten signature in black ink, appearing to be "W. E. Winters", written over a horizontal line.

William E. Winters
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